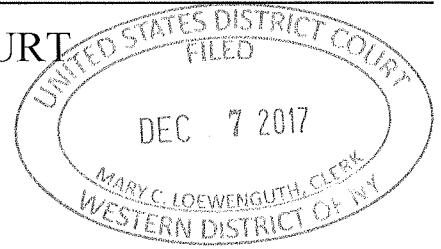


## UNITED STATES DISTRICT COURT

for the

Western District of New York



United States of America

v.

Marcelino Fernandez

Case No: 0209 1:09CR00142-001

USM No: 17538-055

Date of Original Judgment: February 3, 2012

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Pro Se

Defendant's Attorney

### ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

(Complete Parts I and II of Page 2 when motion is granted)

The Court finds that the defendant is not eligible for a reduction in his sentence based on the drug reduction amendment (Amendment 782) as he was sentenced to the mandatory minimum term of imprisonment required by statute.

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date:

12/7/17

Effective Date:

(if different from order date)

Judge's signature

William M. Skretny, Senior United States District Judge

Printed name and title